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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,687	07/17/2003	William J. McFarland	355053.02200	1762

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EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,687

Applicant(s)

MCFARLAND, WILLIAM J.

Examiner

SIMON D. NGUYEN

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2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figs. 3-5 are informal drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-14, 18-22, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Trachewsky (2004/0017794).

Regarding claim 13, Trachewsky discloses a WLAN transceiver (fig.4A) having two RF transceivers, each of the two transceivers (4B-C) configured to select between a

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plurality of channels; a processor (64, 76) for determining different frequency channels (paragraphs 10-14, 43, 45).

Regarding claim 20, Trachewsky discloses a method for selecting a RF signal reception frequency range, comprising: determining available RF frequency range (paragraph 10); receiving a first frequency range in a first receiver; receiving a second frequency range in a second receiver (paragraphs 12-14, 43-45, fig.10).

Regarding claim 14, Trachewsky further discloses receivers (figs.4A-C).

Regarding claim 18, Trachewsky further discloses frequency channels are grouped into a plurality of adjacent frequency channels (paragraphs 8, 10-11, 56, claims 12).

Regarding claim 19, Trachewsky discloses the transceivers passing corresponding channels (paragraphs 12-14).

Regarding claim 21, Trachewsky further discloses the step of detecting whether the frequency ranges are available or occupied (paragraph 63).

Regarding claim 22, Trachewsky further discloses the step of determining whether the frequency ranges are transmitted or received (abstract).

Regarding claim 29, Trachewsky further discloses the receivers receiving OFDM signals (paragraphs 63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trachewsky (20040017794).

Regarding claims 17, 28, Trachewsky fails to disclose the random access comprising CSMA and DCF.

It should be noted that Trachewsky discloses the a WLAN transceiver, connects in a plurality of different bands or ranges from a cellular phone network, satellite network, bands from 2.4 to 2.5 GHZ, 5.15 to 5.875 GHz (paragraphs 6-9), which means the system of Trachewsky is obvious comprised CSMA and DCF signals which is known to those skilled in the art in order to improve the WLAN transceiver.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trachewsky (20040017794) in view of Li (20040029548).

Regarding claims 15-16, Trachewsky fails to disclose each receiver having at least two filters.

Li discloses a communication device having two receivers (fig.1), wherein the receiver having a filter bank having a plurality of filters (fig.3, abstract) for selecting . Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Trachewsky, modified by Li to allow a certain frequency range passed through a filter in order to prevent the interference between a plurality of frequency ranges.

7. Claims 19, 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trachewsky (20040017794) in view of Li et al. (6,415,001).

Regarding claims 23, 25, and 27, Trachewsky fails to disclose the step of selecting a filter.

Li discloses a dual band transceiver having first and second receivers, wherein receivers select a filter depending on a frequency range (abstract, fig.3, column 7 lines 39-47). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Trachewsky, modified by Li to allow a certain frequency range passed through a filter in order to prevent the interference between a plurality of frequency ranges.

8. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trachewsky (20040017794) in view of Li et al. (6,415,001), and further in view of Li (20040029548).

Regarding claim 24 and 26, the modified Trachewsky fails to disclose the step of selecting a filter among a plurality of filters.

Li discloses a receiver having a frequency bank which allows the receiver selecting the appropriate filter (abstract, fig.3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Trachewsky, modified by Li to allow a certain frequency range within a frequency band passed

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through a filter in order to prevent the interference between a plurality of frequency ranges.

Response to Arguments

The examiner received the response to the Election/Restriction related to claims 13-19 and agrees with the Applicant's argument. Therefore, claims 13-19 will be included in the elected group consisting of claims 13-29.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

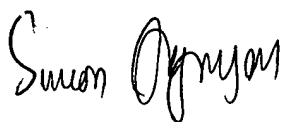
(571) 273-8300 (for formal communications intended for entry)

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Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

April 10, 2006

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive style with a large, stylized "S" and "N".

**SIMON NGUYEN
PRIMARY EXAMINER**